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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,665	07/02/2003	Robert W. Piper	31,300-01US	7211

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PATENT DOCKETING  
2200 WELLS FARGO CENTER  
MINNEAPOLIS, MN 55402

EXAMINER

AVERY, BRIDGET D

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/613,665

Applicant(s)

PIPER, ROBERT W.

Examiner

Bridget Avery

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3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>05/14/04</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The Information Disclosure Statement filed on May 14, 2004 is acknowledged and has been considered.

#### ***Claim Objections***

2. Claim 1 is objected to because of the following informalities: on lines 1 and 15, the term "standard" should be deleted. Appropriate correction is required.
3. Claim 8 is objected to because of the following informalities: on line5, the term "standard" should be deleted. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Muir et al. (US Patent 4,219,207).

Muir et al. teaches a frame for supporting a rider including: a frame (17, 18, 35, 37); a seat (12) fixedly attached to the frame (17, 18, 35, 37); and a ski connection means/member (15, 16, 32, 33) attached to the frame (17, 18, 35, 37) for connecting the frame (17, 18, 35, 37) to a pair of alpine skis (20, 21).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muir et al. ('207) in view of Larsen et al. (US Patent 4,324,409).

Muir et al. teaches the features described above. Muir et al. further teaches the first and second connection means/member (15, 16, 32, 33) being pivotally attached to the frame (17, 18, 35, 37); a first and second ski control rod (46, 47) attached to the first and second ski connection members (15, 16, 32, 33), respectively; toe clips (75); and the control rods further include handles (46, 47).

Larsen et al. teaches bindings (30, 32) fixedly attached to a pair of snow skis (28); a first and second sole/foot plate assembly (26) attached to first and second ski connection members (24), respectively, the first and second foot plate assemblies (26) further including a first and second foot plate extender (60, 62) slidably engaged to a rear portion of the first and second foot plate assembly (26) where the length of the first and second foot plate assembly (26) can be selectively adjusted and the ski-sled frame (72) can be removably attached to the pair of alpine ski bindings (30, 32).

Based on the teachings of Larsen, it would have been obvious to one having ordinary skill in the art, at the time the invention was made to change the connections members (18, 35) and of Muir et al. to the ski bindings (30, 32) and sole/foot plate (26)

of Larsen (including the adjustable portions (60, 62) to eliminate the need to have different sizes of attachment members, as taught by Larsen et al. in column 1, lines 62-64.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Muir et al. ('207) and Larsen et al. ('409), as applied to claim 1 above, and further in view of Den Hartog (US Patent 5,000,466).

The combination of Muir et al. and Larsen teach the features described above.

The combination of Muir et al. and Larsen lack the teaching of a spring or cushioning system.

Den Hartog teaches a spring mechanism (5).

Based on the teachings of Den Hartog, it would have been obvious to one having ordinary skill in the art, at the time the invention was made to modify the seat and frame of the combination of Muir et al. and Larsen et al. to include a spring mechanism there between to minimize shock and dampen vibrations thereby improving the ride for a user of the ski sled.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Muir et al. ('207) and Larsen et al. ('409), as applied to claim 1 above, and further in view of Eisenschmid (US Patent 3,799,564).

The combination of Muir et al. and Larsen teach the features described above.

The combination of Muir et al. and Larsen lack the teaching of a spring or cushioning system.

Eisenschmid teaches a spring (14).

Based on the teachings of Eisenschmid, it would have been obvious to one having ordinary skill in the art, at the time the invention was made to modify the seat and frame of the combination of Muir et al. and Larsen et al. to include a spring mechanism there between to prevent hard impacts from being transmitted to the vertebral column of the sledder.

8. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muir et al. ('207) and Larsen et al. ('409), as applied to claim 1 above, and further in view of Schwarz (US Patent 3,528,674).

The combination of Muir et al. and Larsen teach the features described above.

The combination of Muir et al. and Larsen lack the teaching of the frame including a foot rest, toe clips and a back rest.

Schwarz teaches a ski sled including a frame having a foot rest (42) and a back rest.

Based on the teachings of Schwarz, it would have been obvious to one having ordinary skill in the art, at the time the invention was made to change the seat of the combination of Muir et al. and Larsen et al. to the seat of Schwarz that includes a foot rest and a back rest to minimize back and leg fatigue to enhance rider comfort. It would have been obvious to one having ordinary skill in the art to add the toe clips (75) taught

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by the combination of Muir et al. and Larsen et al. to the foot rest of Schwarz to aid a sledder in maintaining his feet on the foot rest and further reduce the possibility of leg or foot fatigue.

**Conclusion**

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Miller shows a sled with independent steerable skis.

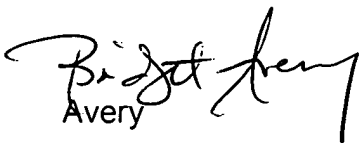
Miguel Feu Serrahima shows a ski-type bob sled.

Cantelli shows an implement for winter sports of the type sledge resting on skis.

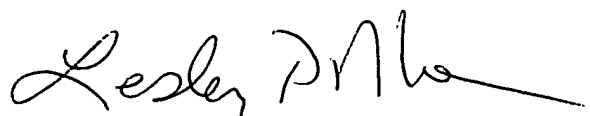
Jennings shows a snow or water ski device.

Basso shows a ski sled.

10. Any inquiry concerning this communication should be directed to Bridget Avery at telephone number 703-308-2086.

  
Avery

February 3, 2005



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